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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,597	10/03/2006	Jiangang Zhang	CN040008	1439
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EXAMINER				
ALPHONSE, FRITZ				
ART UNIT		PAPER NUMBER		
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11/12/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/599,597

Applicant(s)

ZHANG ET AL.

Examiner

FRITZ ALPHONSE

Art Unit

2112

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15 is/are allowed.
- 6) ☒ Claim(s) 16-19 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the amendment filed on 7/28/2009. Claims 1-20 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joo (U.S. Pat. No. 5,974,583) in view of Casagrande (U.S. Pat. No. 6,049,892).

As to claim 16, Joo (figs. 2-5) discloses an error correcting apparatus for correcting an error in content (col. 1, lines 8-10; col. 10, lines 8-9), including: a controlling means (fig. 5; Determination controller 150), a receiving means (160), wherein the controlling means (150) is used to determine a type of error and to correct the error with error correcting information received by the receiving means (fig. 2; col. 11, lines 16-30; col. 5, lines 36-52; where Joo discloses coefficient of error an error-location polynomial for determining type of error); and the receiving means (160) is used to receive the error correcting information (col. 12, lines 7-16, where Joo discloses error location calculating ROM 154 receives double-error correction in error correcting unit 160).

Joo does not explicitly disclose a sending means is used to send a download request for downloading the respective error correcting information according to the type of error.

However, in the same field of endeavor, Casagrande discloses a process and apparatus for downloading data from a server computer to a client computer including a sending means is used to send a download request for downloading the respective error correcting information according to the type of error (col. 4, lines 19-29).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention to improve upon the apparatus for downloading data, as disclosed by Casagrande. Doing so would provide a download process and mechanism that simplifies the download process and improves the likelihood of successful completion of the download.

4. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joo in view of Casagrande as applied to claim 16 above, and further in view of Applicant Admitted Prior Art (APA).

As to claims 17-18, Joo does not explicitly disclose a controlling means comprises a firmware for controlling error correcting; and, wherein the error comprises a physical error type and a logical error type. However, the limitations are obvious and well known in the art, as evidenced by APA (page 2, lines 10-18, lines 19-30).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention to incorporate into Joo's device a controlling module comprises a firmware, as disclosed by APA. By doing so, encoding data would be compiled with standard adoption of accurate initiate number and standard video format.

5. Claims 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (APA) in view of Casagrande (U.S. Pat. No. 6,049,892).

As to claim 19, APA (figs. 1-2) discloses a player, including: a reading means (fig. 1, reading module 110) a controlling means (fig. 1, controlling module 112), and a decoding means (fig. 1, decoding module 11), wherein: the reading means (110) is used to read out content (fig. 2, step 211; page 1, lines 16-19); the controlling means (112) is used to determine the presence of any defect part in the read out content (page 2, lines 5-10), and to add the defect part received by the receiving means from the network to the read content to provide the corrected content (figs. 1-2; page 1 lines 20-28, where APA indicates a program has been received (S217) that reads content and provides the corrected error and prompt the firmware). Furthermore, APA teaches a decoding means (111) is used to decode and play the corrected content (page 2 lines 28 through page 3 line 4).

APA does not explicitly disclose a sending means to control the sending means to send a download request for downloading the respective defect parts.

However, in the same field of endeavor, Casagrande discloses a process and apparatus for downloading data from a server computer to a client computer including a sending means to control the sending means to send a download request for downloading the respective defect parts (col. 4, lines 19-29).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention to improve upon the apparatus for downloading data, as disclosed by Casagrande. Doing so would provide a download process and mechanism that simplifies the download process and improves the likelihood of successful completion of the download.

Allowable Subject Matter

6. Claims 1-15 are allowed.

7. Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed on 7/28/2009, in regard to claims 16-19, have been fully considered but they are not persuasive.

9. As to claim 16, the combination of Joo (U.S. Pat. Pat. No. 5,974,583) and Casagrande (U.S. Pat. No. 6,049,892) clearly teaches the limitations of the claim (see the rejection above).

As to claim 19, the Applicant asserts that "Casagrande only detects the amount of data successfully received at a client... It is respectfully submitted that the second request in Casagrande is not for the respective defect parts, but is instead for the remainder of the data file not successfully downloaded in the first download."

The Examiner respectfully disagrees because Casagrande clearly discloses the limitations of the claim: downloading data from a server computer to a client computer including a sending means to control the sending means to send a download request for downloading the respective defect parts (col. 4, lines 19-29).

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz Alphonse, whose telephone number is (571) 272-3813. The examiner can normally be reached on M-F, 8:30-6:00, Alt. Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman, can be reached at (571) 272-3644.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3824

Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Fritz Alphonse/

Examiner, Art Unit 2112